

# 8201 Park Avenue South/Smith Park Joint Use Agreement



# Existing Agreements

- Joint Use Agreement – 8/14/1990
- Cross Parking Agreement – 12/20/1993
- Agreement on Improvements, Leases, Easements and Use – 5/17/1999
- Addendum to Agreement on Improvements, Leases, Easements and Use – 6/26/2000
- Development Agreement – 10/6/2003







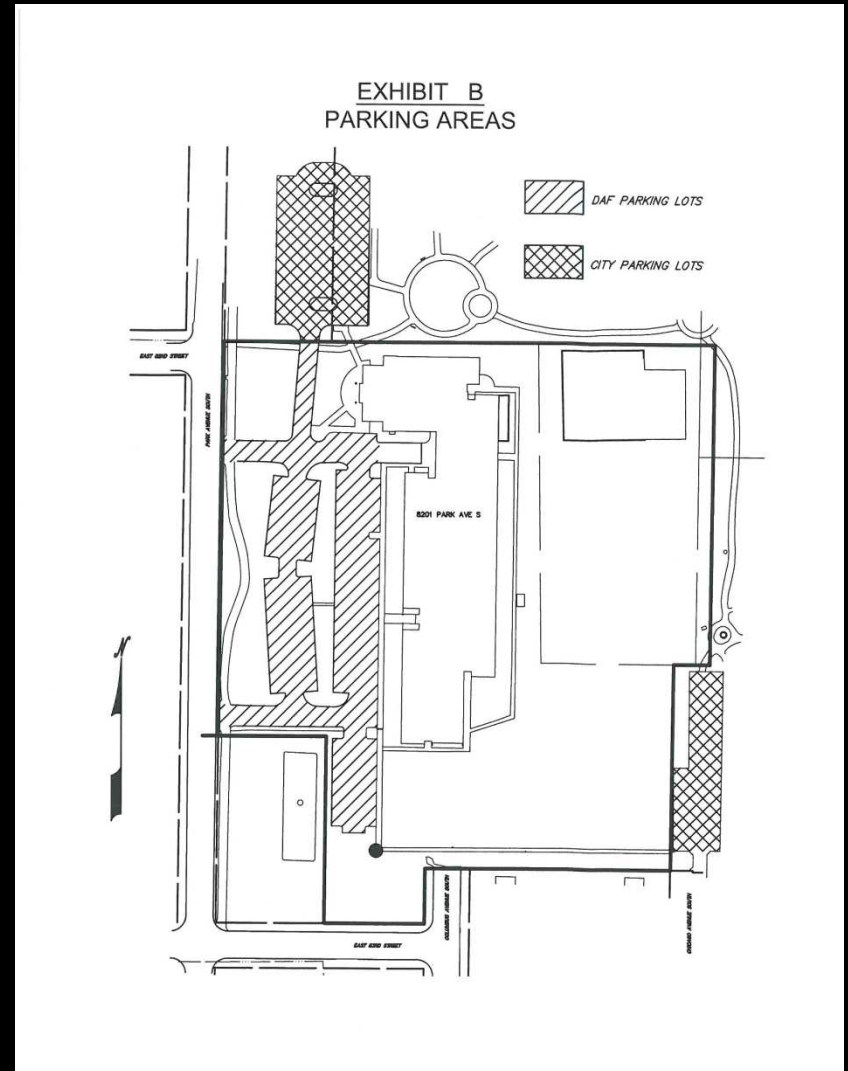
# Revisions to the Joint Use Agreement

| Issue   | Existing Agreements                                  | Proposed Agreement  |
|---|--|---|
| City Use of 8201 Owner Parking Spaces                                       | 73 Spaces  | 157 Spaces <i>(Pages 3 – 4)</i>   |
| 8201 Owner Use of City Parking Spaces                                       | 110 Spaces   | 110 Spaces <i>(Pages 3 – 4)</i>   |
| Public Use of 8201 Owner Sidewalks to Access City and 8201 Owner Facilities | Not specifically addressed                           | Provided on all sidewalks and grass walkways for park and community garden access <i>(Page 5)</i>   |
| Nighttime Use Limits on City Parking Spaces                                 | Agreements are silent                                | Allowed until 11:30 p.m. on dates that scheduled use of athletic facility goes past 10:00 p.m. Parks & Recreation to issue after-hours use permits (up to all night) only when 8201 facility is in use <i>(Pages 3 - 4)</i> |
| Access Easement Over 8201 Owner Property to City Parking Lot                | Not provided   | Provided <i>(Page 4)</i>  |
| Agreement Termination Provisions  | Provided in some of the agreements and not in others | Provided <i>(Pages 12 – 16)</i>   |
| Limitations on 8201 Owner Use of Fields                                     | None   | Provided <i>(Page 14 – 16)</i>  |
| Initial Term of Agreement(s)  | May 17, 2024 with option for an additional ten years | May 17, 2024 with option for two additional ten year periods <i>(Page 3)</i>  |
| City Control of Irrigation Levels   | Not provided   | Provided – City to install new water meter for irrigation system <i>Pages 5 – 6)</i>  |
| Football Field Lighting Shutoff Requirement                                 | Not provided   | Provided – lights off at 11:00 p.m. <i>(Pages 3 – 4 &amp; 9 – 10)</i>   |
| City Indemnification  | Provided   | Current City indemnification language added <i>(Pages 11 – 12)</i>  |



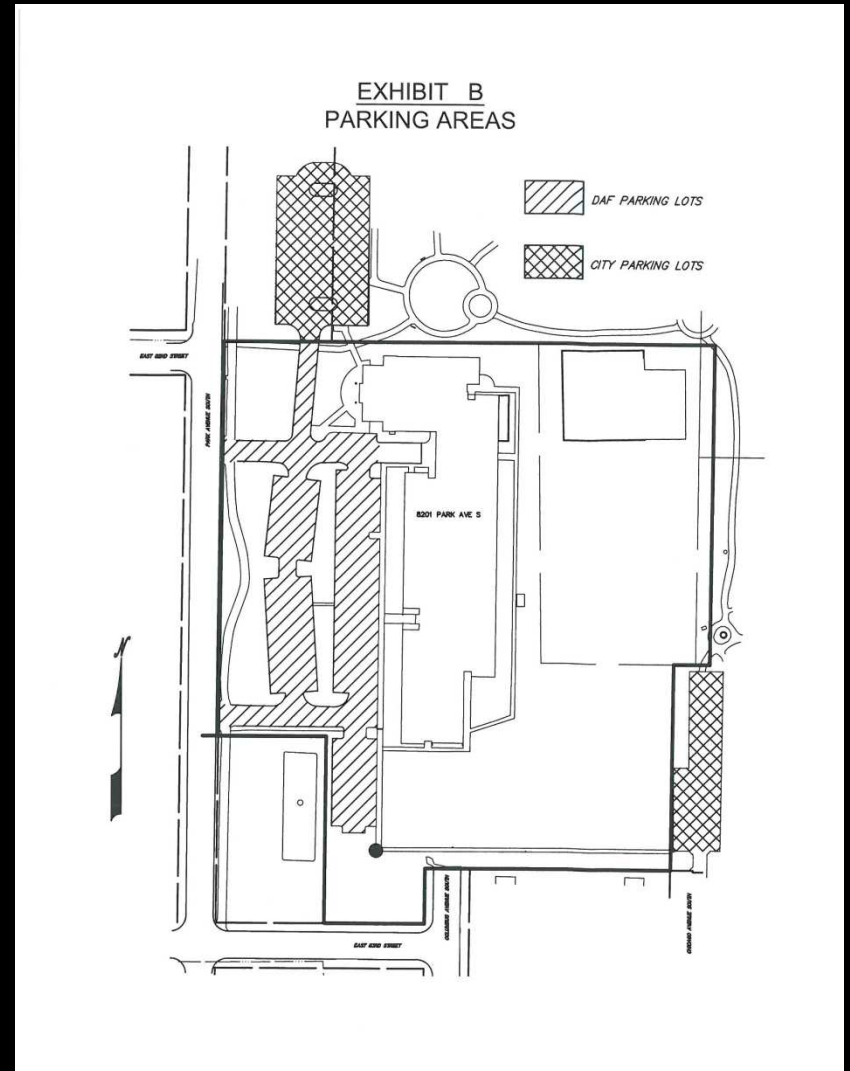
# Revisions to the Joint Use Agreement

- 8201 Owner Use of City Parking Spaces
  - Existing Agreement – 110 spaces
  - Proposed Agreement – 110 spaces

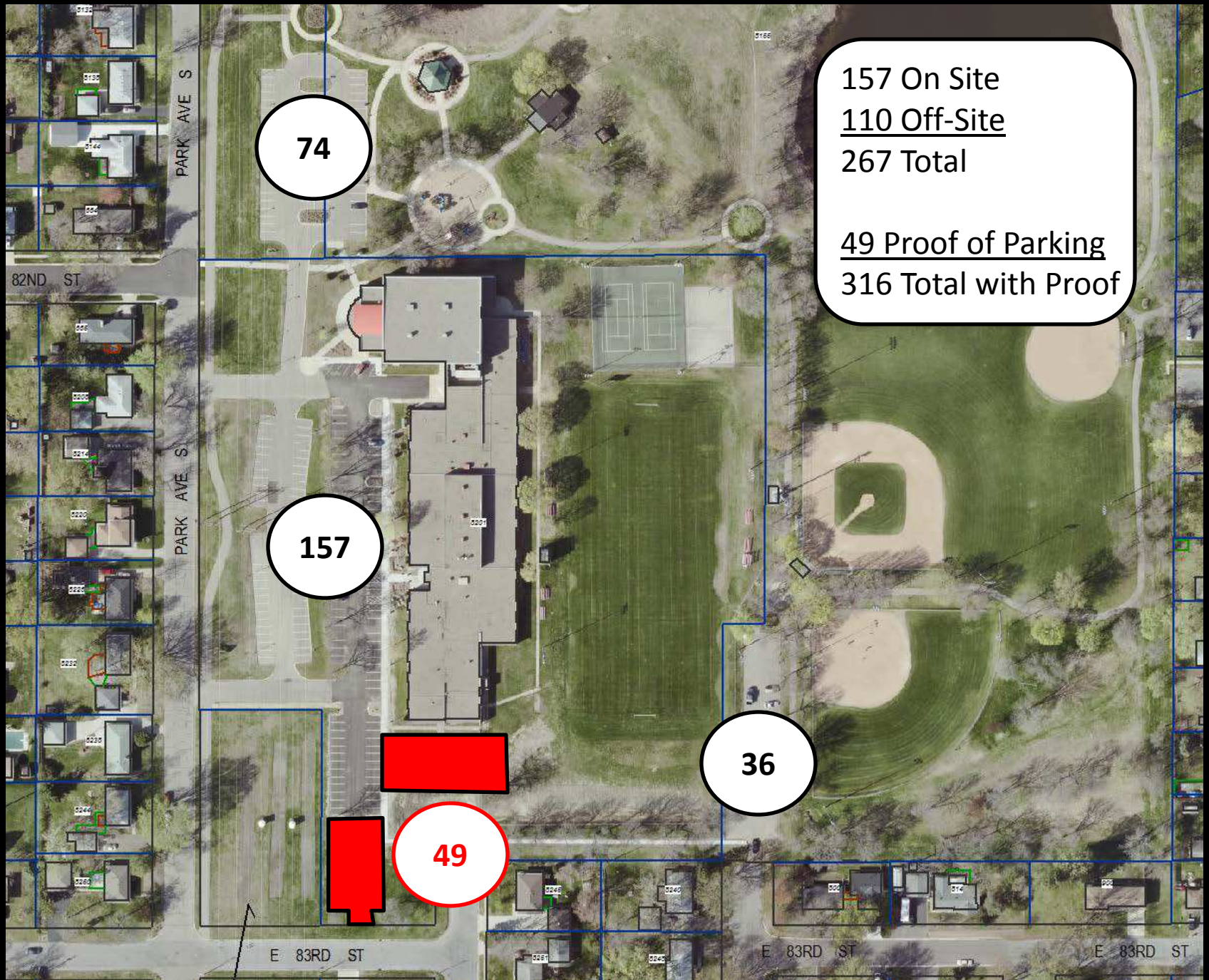


# Revisions to the Joint Use Agreement

- Public Use of 8201 Owner Parking Spaces
  - Existing Agreement – 73 spaces
  - Proposed Agreement – 157 spaces







74

157

36

49

157 On Site  
110 Off-Site  
267 Total

49 Proof of Parking  
316 Total with Proof

# Revisions to the Joint Use Agreement

- Public Use of 8201 Owner Sidewalks to Access City and 8201 Owner Facilities
  - Existing agreement is silent as to use of sidewalks
  - New agreement permits public use on all sidewalks and grass walkways for Smith Park and community garden access



# Revisions to the Joint Use Agreement

- Nighttime Use Limits on City Parking Spaces
  - Existing agreement is silent as to hours of use
  - Proposed agreement permits public use until 10:00 p.m., or until 11:30 p.m. on those dates that the lighted athletic facility goes past 10:00 p.m.
  - Existing agreement is silent as to the shutoff time for the athletic facility lights
  - Athletic facility lights must be turned off by 11:00 p.m.
  - City Code permits the Park Director to extend park hours past 10:00 p.m., and the 11:00 p.m. time extension is routine for lighting athletic fields



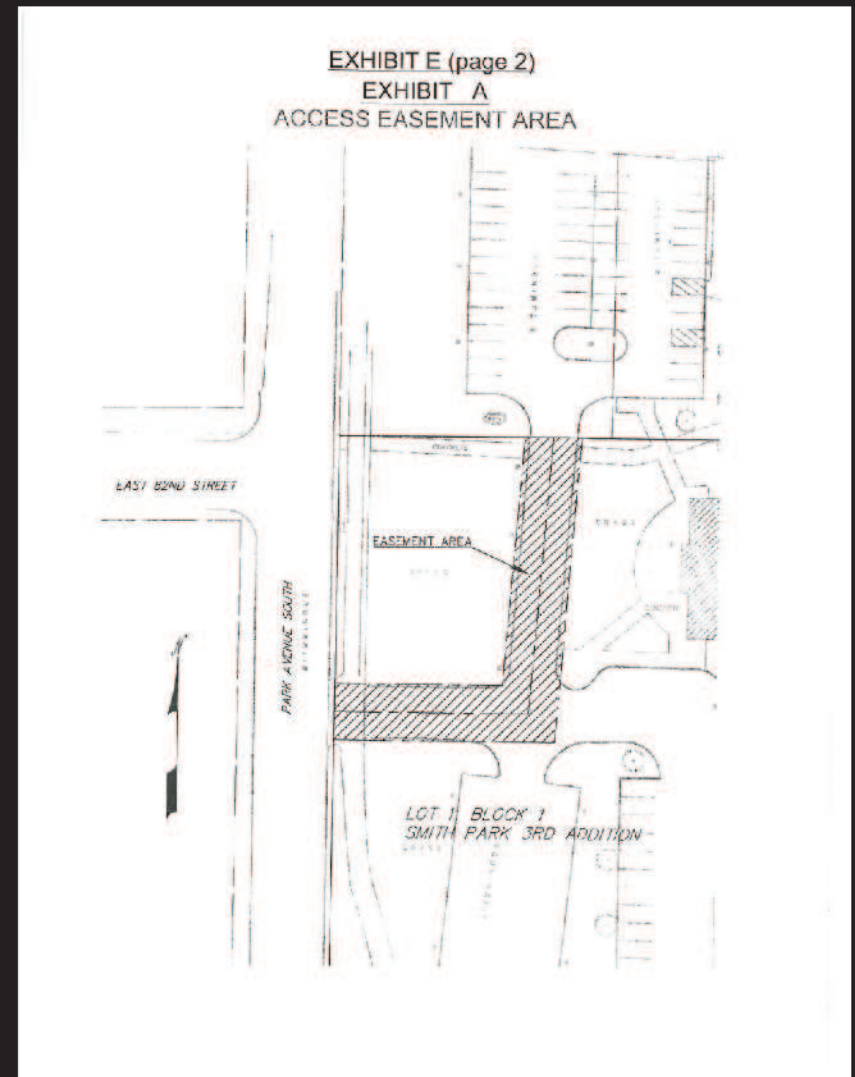
# Revisions to the Joint Use Agreement

- Nighttime Use Limits on City Parking Spaces
  - 8201 owner use permitted after 10:00 p.m. only when 8201 Owner building is in use
  - 8201 shall submit a request to the City at least three business days in advance for an after-hours parking permit
  - Parks & Recreation to issue after-hours use permits (up to all night) only when 8201 facility is in use



# Revisions to the Joint Use Agreement

- Access Easement Over 8201 Owner Property to City Parking Lot



# Revisions to the Joint Use Agreement

- Agreement Termination Provisions
  - Existing agreement terminates on May 17, 2014 with an option to renew for one additional ten year period
  - Existing agreement is silent as to other termination issues
  - Proposed agreement spells out the termination requirements
  - An attachment to the proposed agreement details the disposal of the improvements
  - Proposed agreement terminates on May 17, 2024 with the option to renew for two additional ten year periods



# Revisions to the Joint Use Agreement

- Limitations on 8201 Owner Use of Fields
  - Agreement discusses field usage rights and limitations that currently apply
  - Expansion of usage by 8201 Owner would require a conditional use permit for a “commercial park”
  - As with other City park fields, City may lease out the multi-use field subject to park policies. In that event, the agreement specifies that net lease revenue would be shared with the 8201 Owner

# Revisions to the Joint Use Agreement

- City Control of Irrigation Levels
  - 8201 Owner would continue to be responsible for the water costs associated with the football field irrigation system
  - Proposed agreement clarifies that the City would have sole authority for determining the appropriate amount of water to be used to irrigate the field
  - City will install a separate water meter for the football field irrigation system

# Revisions to the Joint Use Agreement

- City Indemnification
  - Existing agreement has older version of indemnification language
  - New agreement has current City indemnification language

# Options

- Options to consider regarding the joint usage agreement are as follows:
  - Allow the current agreement to lapse on May 17, 2024. A table that lists the impacts of terminating the agreement is included in the agenda item enclosures
  - Approve a new joint usage agreement



# Council Input on Proposed Joint Use Agreement

- Thoughts/questions?



# Extra Slides

# City Code Parking Requirements During Periods of Assembly Hall Use

|                |                                     |
|----------------|-------------------------------------|
| Assembly Halls | • 100 spaces                        |
| Day Care       | • 7 spaces                          |
| School         | • 40 spaces                         |
| Fitness Areas  | • 17 spaces                         |
| Small Gym      | • 41 spaces                         |
| Large Gym      | • XXXXX                             |
| Offices        | • 9 spaces                          |
| <b>Total</b>   | <b>• 214 spaces (267 available)</b> |

# City Code Parking Requirements During Periods of Large Gym Use

|                |                                     |
|----------------|-------------------------------------|
| Assembly Halls | • XXXXX                             |
| Day Care       | • 7 spaces                          |
| School         | • XXXXX                             |
| Fitness Areas  | • 17 spaces                         |
| Small Gym      | • 41 spaces                         |
| Large Gym      | • 166 spaces                        |
| Offices        | • 9 spaces                          |
| <b>Total</b>   | <b>• 240 spaces (267 available)</b> |











- City acquired site in 1953
- Some nearby homes in place





- City sold 5 acres to school district in 1961
- Northgate Elementary built in 1962
- Smith Park developed





- Northgate addition in 1965
- Northgate closed in 1987
- 1987-1989 two-year TCUP for office and day care use
- Reguided and Rezoned in 1989 for office use by REM Dvlp. (fell through)





- Sold to Lutheran High School in 1990
- Reguided to Quasi-Public, rezoned to R-1
- 9-12 enrollment of 150, plans to grow to 300
- Parking added
- 1993-2005  
Maranatha  
Community Church  
was approved at site



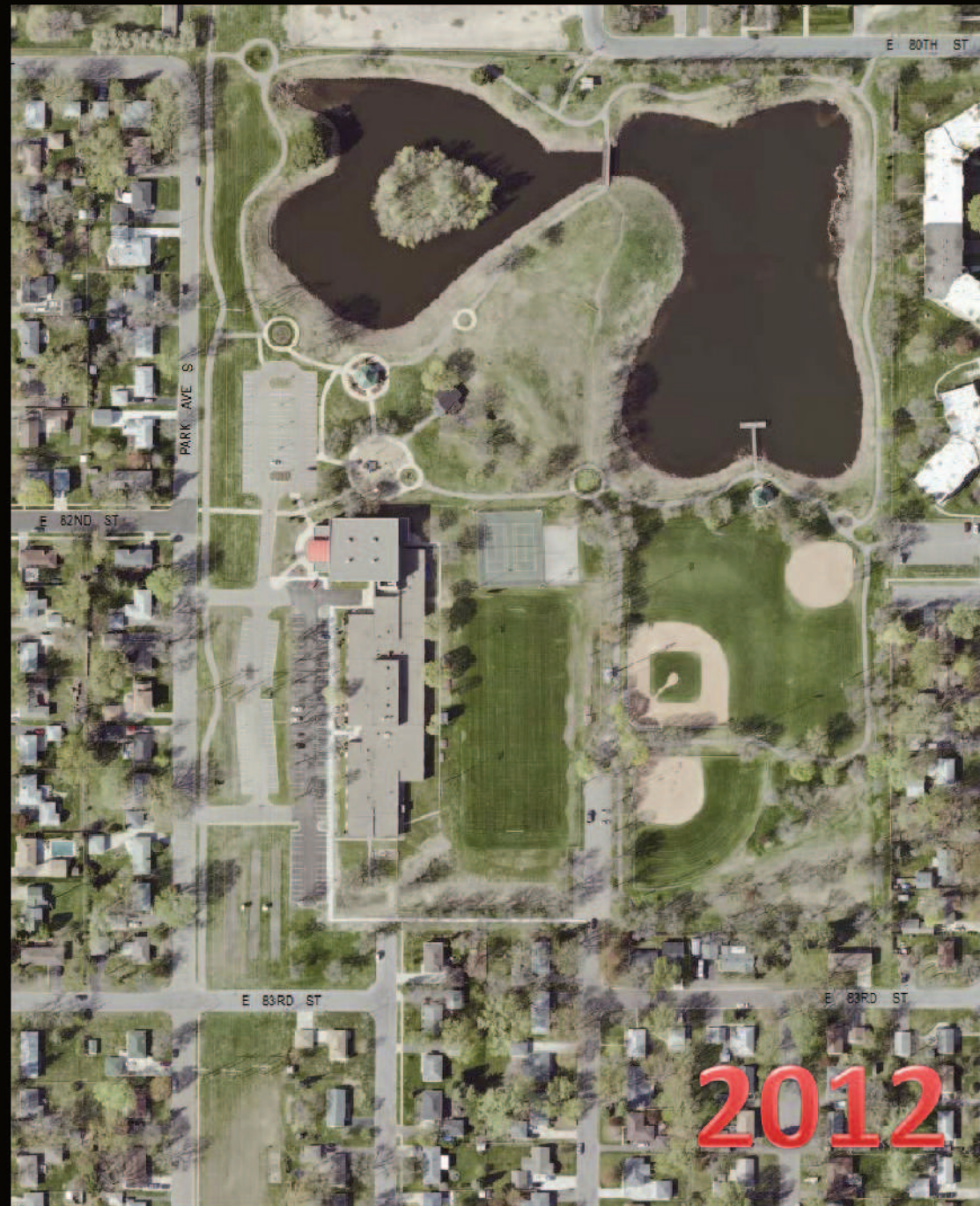


- Gymnasium addition originally approved in 1991 but not built until after 2003 – occupancy of gymnasium bleachers listed as 500
- Series of agreements from 1990 to 2003

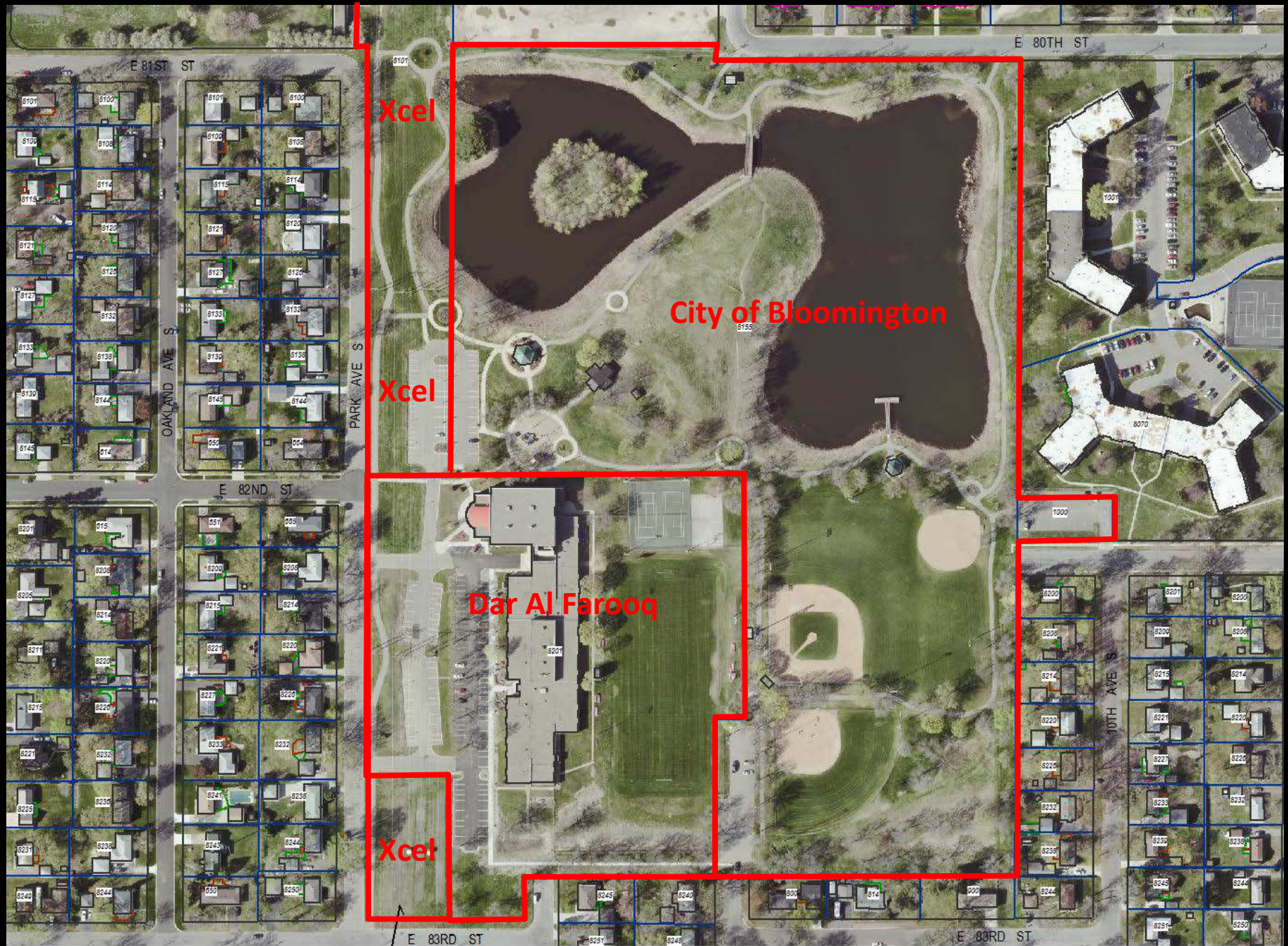




- May of 2011 – CUP approval for place of assembly, community center, elementary school and day care
- Sale closed in August of 2011
- 51 parking spaces added
- Occupancy began in January of 2012















PARK AVE S

82ND ST

PARK AVE S

E 83RD ST

E 83RD ST

E 83RD ST









PARK AVE S

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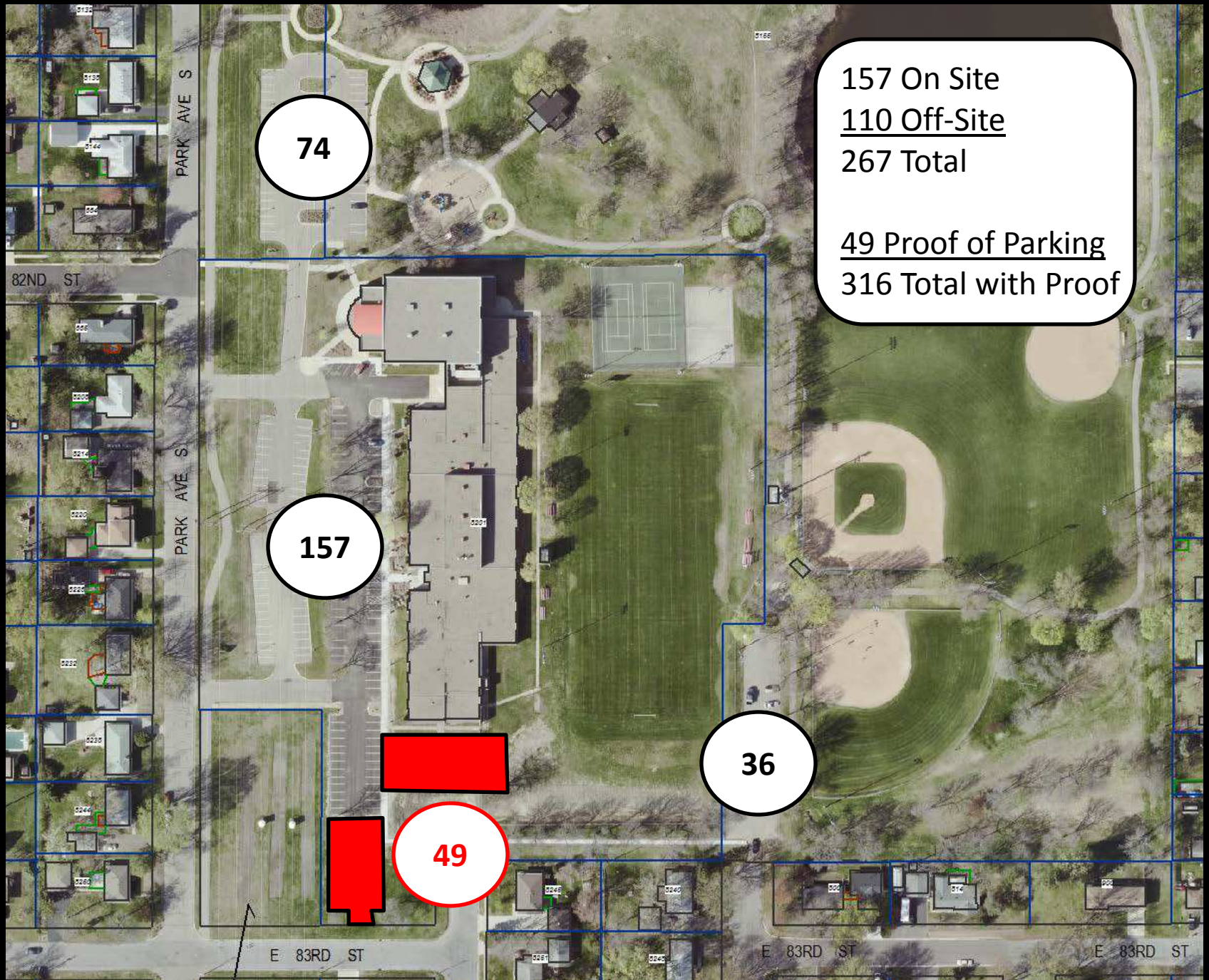
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# Key Conditions of Approval

- Construct 25 spaces prior to CO for assembly use
- Construct 25 spaces prior to CO for classroom use
- Proof of Parking agreement for 50 additional spaces prior to any CO

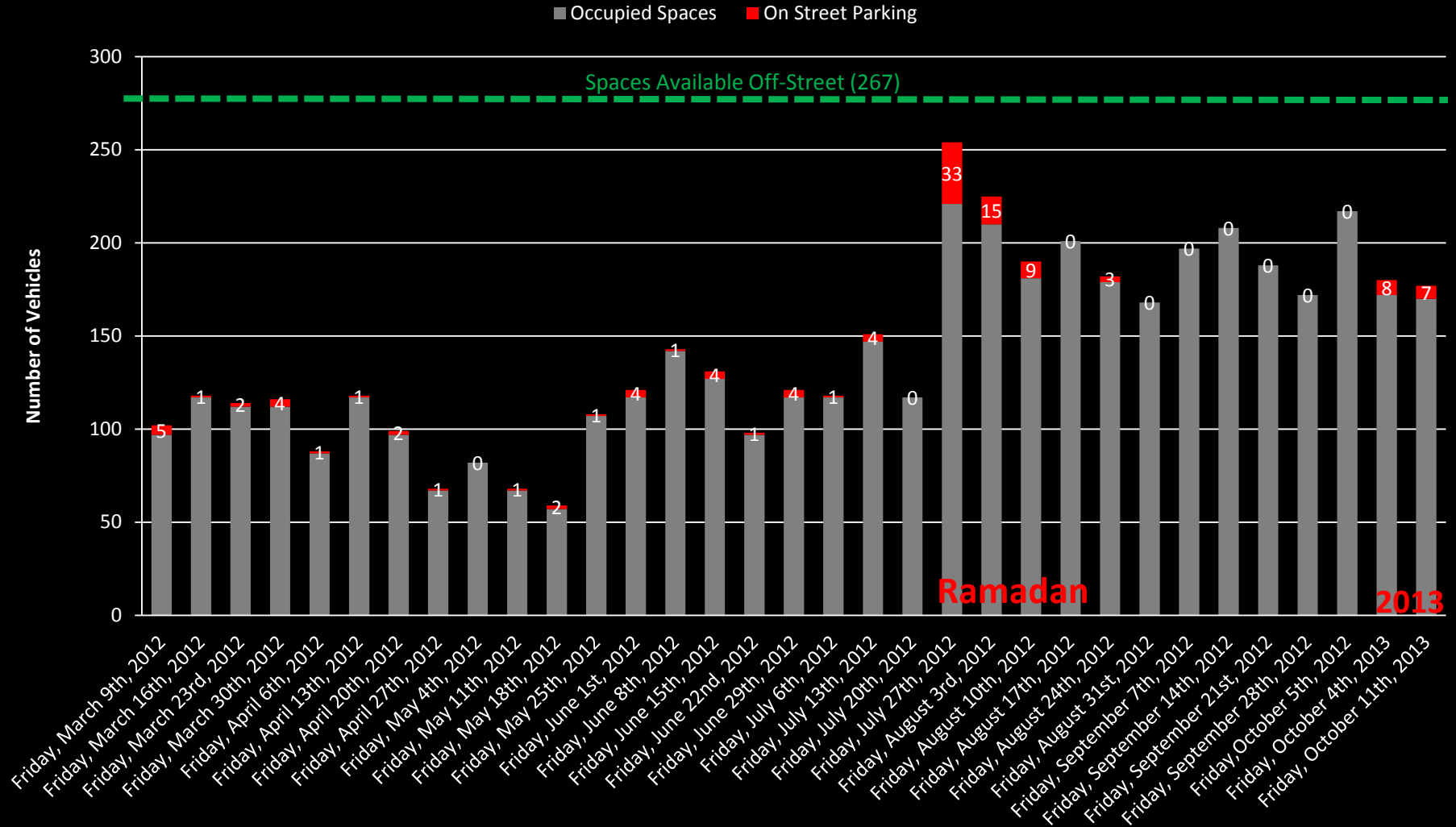
# Key Conditions of Approval

- Gym is limited to school/day care use when school/day care is in session
- While assembly areas are in use, gym and cafeteria use is limited to student activities that do not generate additional parking demand
- Construct a sidewalk connection to Chicago Ave. lot if overflow parking occurs

# Key Conditions of Approval

- Gym occupancy limited to 500 (*Fire Code Occupancy approx. 1,900*)
- Provide traffic control services if overflow parking occurs
- Update joint use agreements to reflect proposed site use patterns
- Annual coordination meeting with Parks Division

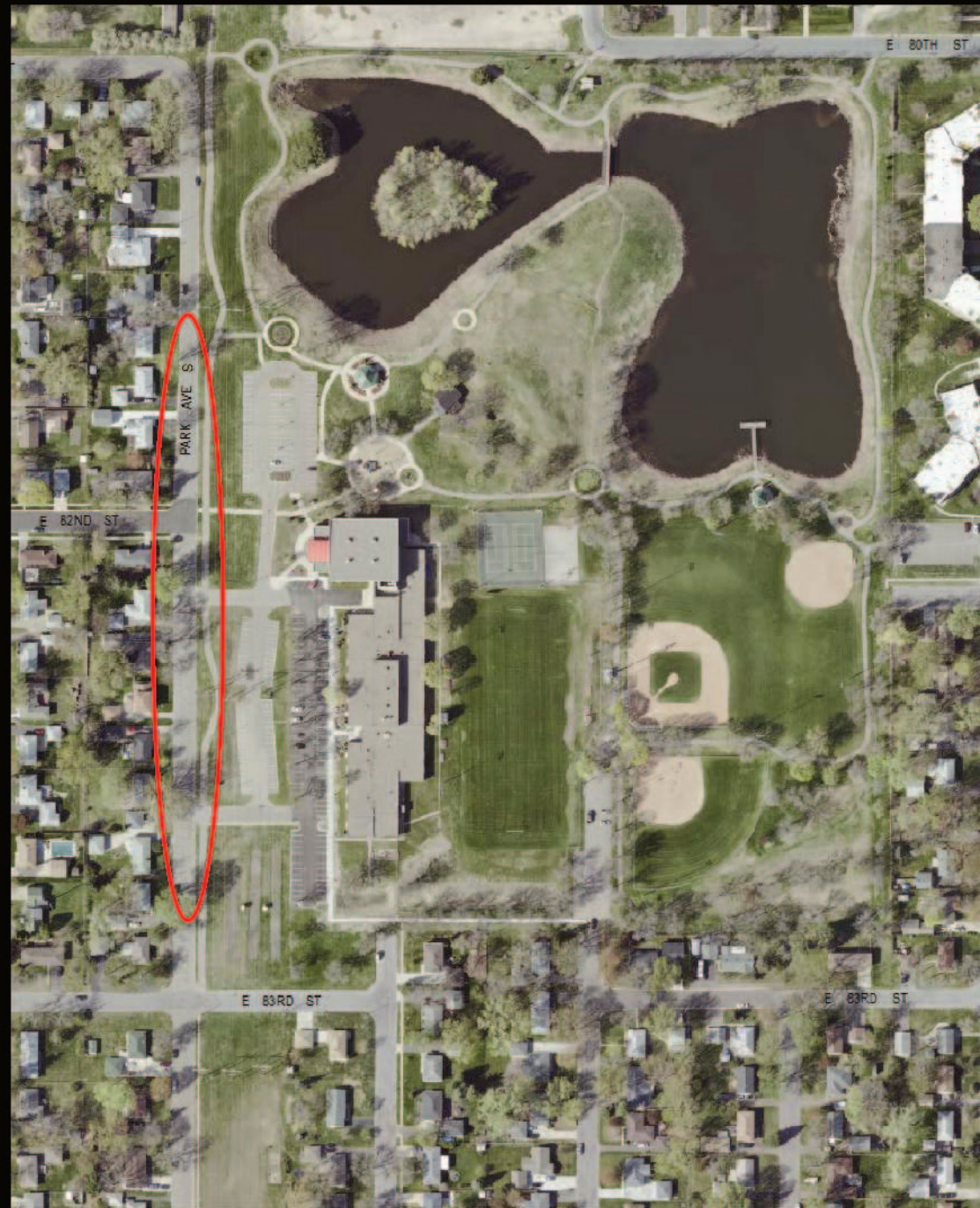
# AFYFC Friday Assembly - Parking Counts





## Parking Conclusions

- On Fridays – on street parking is a matter of convenience - empty spaces exist on site
- Common at places of assembly
- On street parking is legal on Park Ave.
- Constructing proof of parking is unlikely to address on-street parking
- Can be addressed through no-parking zones







# Traffic

Typical Weekday – 300 cars  
Fridays – 600 cars  
Weekends – 750 cars

Typical Local Street  
300-900 cars

Typical Weekday – 250 cars  
Fridays – 550 cars

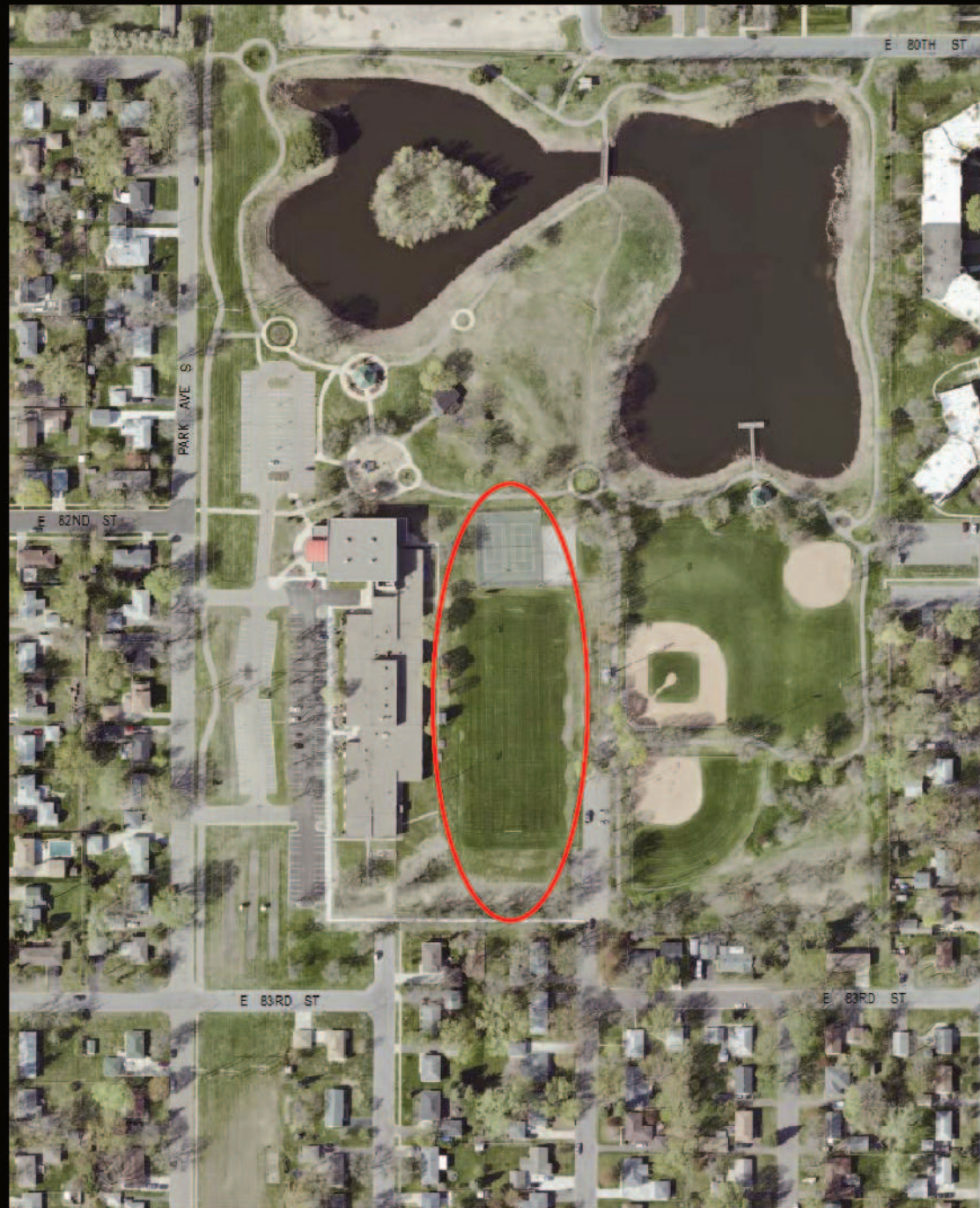
# Uses Beyond Original Approvals

- Semi-pro football field rentals
- Restaurant
- University
- City has sent letters to clarify uses are not allowed
- Semi-pro football and restaurant uses have ceased



## Field Use

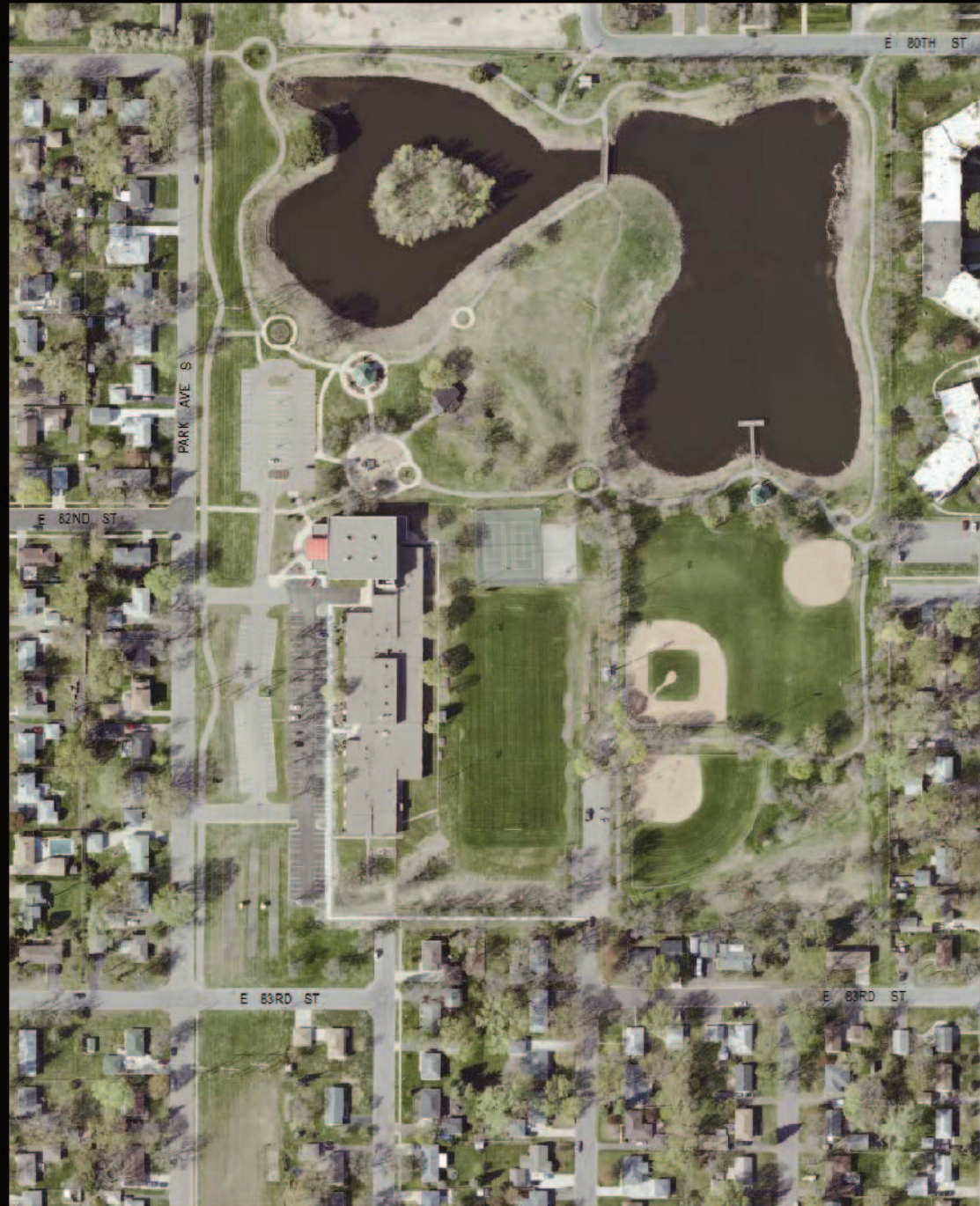
- Most recent concern has been youth soccer events
- Such events are allowed under joint agreement and zoning ordinance
- 8201 Park has said no rent would be collected
- “Commercial Park” – Requires CUP
- Semi-pro football events crossed line into commercial park territory





# Parking Lot Lighting

- Code requires lights to be on if parking is in use after dark
- Lights must be turned off within one hour after closing
- Security lighting must remain on all night
- Separate circuits



# Food Safety

- State Law and City Code include food licensing exemptions for houses of worship
- City - SEC. 14.451 - *This Article shall not include food service operations conducted in and for a **house of worship** when the food service is limited to preparation, service, or consumption by the members of the house of worship and not advertised to the public.*
- State - MS 157.22 Exemptions:
- *(2) weddings, fellowship meals, or funerals conducted by a **faith-based organization** using any building constructed and primarily used for religious worship or education;*
- *(12) food served at fund-raisers or community events conducted in the building or on the grounds of a **faith-based organization**, provided that a certified food manager, or a volunteer trained in a food safety course, trains the food preparation workers in safe food handling practices. This exemption does not apply to faith-based organizations at the state agricultural society or county fairs or to faith-based organizations that choose to apply for a license;*

# Noise

- **SEC. 10.29.02. NOISE SOURCE REQUIREMENTS.**
- (a) A noise source (excluding motor vehicles operating on public highways, locomotives and railroad cars, snowmobiles, construction equipment at construction sites, maintenance of utility easements, and snow plowing of public streets and sidewalks by the City or County as detailed in Article IV of this Chapter) within the following zoning districts (as defined in this Code) shall not exceed the **L10 noise levels** set forth below.
- (3) Residential Zoning District (which may include but is not limited to single-family dwellings, private schools, day-care centers, private garages, permitted home occupations, **place(s) of assembly** for worship, public stables, marinas, multiple dwellings, and retail shops) - **60 dBA in the daytime** (7:00 A.M. to 10:00 P.M.) and **50 dBA in the nighttime** (10:00 P.M. to 7:00 A.M.) as measured on the property line of the source.

# Late Night Use

- Primarily an issue during Ramadan
- Many religions have late night ceremonies
  - Midnight mass
  - Sikh ceremonies
- Cities may not regulate hours for religious uses as it would restrict some religious practices



# Enforcement Issues

- Enforcement issues
  - refuse storage/collection, construction debris, yard waste, fire pit, tall grass/weeds, temporary signs, open permits, utility wire exposed in storm water pond, soil stabilization, parking lot lighting, brush, abandoned vehicle, restaurant
- City has followed standard enforcement procedures
- In each case, compliance has been achieved